

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

NOAH RONTE GLADSTONE (1)

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CRIMINAL NO. 4:15-CR-216-ALM-KPJ-1

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government's request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on October 18, 2021, to determine whether Defendant violated his supervised release. Defendant was represented by Michelle Allen-McCoy. The Government was represented by Marisa Miller.

On October 19, 2016, United States District Judge Amos L. Mazzant sentenced Defendant to a term of thirty (30) months' imprisonment, three (3) years of supervised release, and a special assessment fee of \$100. On June 4, 2019, the term of supervised release was revoked, and Defendant was sentenced to eight (8) months' imprisonment followed by twenty-six (26) months of supervised release, and a special assessment fee of \$100. On November 19, 2020, the term of supervised release was revoked for a second time, and Defendant was sentenced to four (4) months' imprisonment followed by eighteen (18) months of supervised release.

On July 16, 2021, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 94). The Petition asserts Defendant violated the following conditions of supervision: (1) Defendant must not commit another federal, state, or local crime; (2) Defendant must not unlawfully possess a controlled substance; (3) Defendant must notify the probation officer within seventy-two (72) hours if arrested or questioned by a law

enforcement officer; (4) Defendant must follow instructions from the Court or the probation officer about how and when he must report to the probation officer.

The Petition asserts that Defendant violated these conditions because: (1) Defendant was arrested in Grayson County, Texas, for possession of a controlled substance on June 29, 2021; (2) Defendant failed to notify the probation officer of his June 29, 2021 arrest; and (3) Defendant failed to report to the probation officer by the fifth of the month in May 2021, June 2021, and July 2021.

At the October 18, 2021 hearing, Defendant entered a plea of true to allegations 3 and 4. *See* Dkt. 104. Defendant also consented to revocation of his supervised release and waived his right to appear before the District Judge. *See* Dkt. 105. After the Court accepted Defendant's plea of guilty as to allegations 3 and 4 of the Petition, the Government moved to dismiss allegations 1 and 2, which the Court granted. The Court finds that Defendant has violated the terms of his supervised release, and thus, his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the October 18, 2021 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months, to be served consecutively to any other sentence imposed, with no term of supervised release to follow. The Court further recommends that Defendant receive substance abuse treatment while incarcerated at the appropriate Federal Bureau of Prisons facility. Finally, the Court recommends Defendant be placed at a Federal Bureau of Prisons facility in El Reno, Oklahoma, if appropriate.

So ORDERED and SIGNED this 21st day of October, 2021.

A handwritten signature in black ink, appearing to read 'KLPJ', is written above a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE